

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:05CR3102
v.)	
)	
PARRISH JASON CASEBIER,)	
)	MEMORANDUM AND ORDER
Defendant.)	
)	

Defendant has moved for a continuance of his trial, and has given a number of reasons for his need of additional time to prepare for trial, and stating that the defendant is willing to waive his right to a speedy trial under 18 U.S.C. § 3161, *et seq.* Because a defendant may not now waive his right to a speedy trial, See, Zedner v. United States, ___ U.S. ___ (2006), WL1519360 (U.S., June 05, 2006), I held a telephone conference with counsel to confirm that there is a rational need for additional time in the circumstances present. Apparently this matter is still the subject of ongoing investigation which has increased its complexity and will most certainly affect how it is finally resolved, including the possibility of plea agreement proposals which cannot even be formulated at this time. I am satisfied that both counsel are pursuing the matter with due diligence, and I shall grant the motion.

As consideration of plea negotiations is a necessary part of trial preparation, and because the government has not and cannot propose terms of settlement at this time, and also because the defendant has concurred in the request for additional time, I shall exclude the time granted by this motion from the calculation of time required by the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*

IT THEREFORE HEREBY IS ORDERED:

1. The motion, filing 48, is granted, and trial is continued to 9:00 a.m. on October 2, 2006 before the Honorable Richard G. Kopf, United States District Judge, in Courtroom 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be held at commencement of trial.

2. The time between the filing of the motion and October 2, 2006 is excluded from the calculation of time required by the Speedy Trial Act, because trial preparation includes a reasonable amount of time to consider possible settlement options. Failure to grant the continuance would unreasonably deny counsel for the defendant adequate time to reasonably prepare effectively for trial, taking into consideration due diligence. 18 U.S.C. § 3161(h)(8)(A) and (B)(i) and (iv). The ends of justice served by granting the defendant's request for additional time to meet his need for counsel who is prepared for trial therefore outweigh the best interests of the public and the defendant in a speedy trial.

DATED June 19, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge